



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 19, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Reverend George O'Neil, Visitor's Chapel African Methodist Episcopal Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

Representative Sariñana was not present for roll call. He entered the meeting shortly thereafter.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art, for the Wilderness Park Museum, on behalf of the City of El Paso, be authorized to accept the donation of the exhibit entitled *Peru Mestizo*, from the Texas Council for the Humanities of Austin, Texas. The value of the exhibit is estimated at FOUR THOUSAND DOLLARS AND 00/100 (\$4,000.00). Cost to the City consists of shipping costs, which are estimated at less than TWO HUNDRED DOLLARS AND 00/100 (\$200.00).

Dr. Marc Thompson, Curator of Science, Wilderness Park Museum, explained that the exhibit would be displayed in January.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of May 1, and May 8, 2001.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, Texas (Lessor), The Kennedy 1978 Trust (Assignor) and FINSA El Paso, Inc. (Assignee), together with related documents, for the following property: A portion of Lot 7, Block 13, Butterfield Trail Industrial Park, Unit 3, City of El Paso, El Paso County, Texas commonly known as 35 Celerity Wagon.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, Texas (Lessor), The Kennedy 1978 Trust (Assignor) and FINSA El Paso, Inc. (Assignee), together with related documents, for the following property: Portion of Lots 7, 8, and 9, Block 13, Butterfield Trail Industrial Park, Unit 3, City of El Paso, El Paso County, Texas commonly known as 26 Walter Jones.

NOTE: Resolution was revised to include "Lot 9".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, Texas (Lessor), The Kennedy 1978 Trust (Assignor) and FINSA El Paso, Inc. (Assignee), together with related documents, for the following property: Lots 7, 8, 9 and 10, Block 8, Butterfield Trail Industrial Park, Unit Two, City of El Paso, El Paso County, Texas, commonly known as 15 Leigh Fisher Blvd.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVENTEEN THOUSAND FOUR HUNDRED FIFTY AND NO/100THS DOLLARS (\$17,450.00 - \$15,700 loan/\$1,750 grant) against the following described real property:

The East 1/2 of Lot 29, and all of Lot 30, SUNSET HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 602 Upson, El Paso, Texas 79902.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of TWO HUNDRED SIXTY SIX AND 64/100THS DOLLARS (\$266.64).

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND FOUR HUNDRED FIFTY AND NO/100THS DOLLARS (\$14,450.00 - \$2,000 loan/\$12,450 grant) against the following described real property:

Lot 1, Block 2, LONE STAR SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 12, Plat Records of El Paso County, Texas; also known and numbered as 234 Lone Star Pl., El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of FOURTEEN AND 23/100THS DOLLARS (\$14.23).

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHT THOUSAND ONE HUNDRED AND NO/100THS DOLLARS (\$8,100.00 - \$3,750 loan/\$4,350 grant) against the following described real property:

Tract 24B, Block 36, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, according to the resurvey of said Grant made for tax purposes; also known and numbered as 8729 Winchester, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of EIGHT HUNDRED SEVENTY AND NO/100THS DOLLARS (\$870.00).

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That values have been set in accordance with the law for the following property, which is proposed to be acquired for Carpenter Addition Street and Drainage Improvements, a Twenty-sixth (26th) Year (2000-2001) Community Development Project, and that, having considered relevant facts pursuant to the applicable law, the Council hereby establishes Just Compensation and approves a revised offer of Just Compensation as follows:

Parcel 1: A portion of Lot 1, Block 2, Alameda Trade Center, containing 43,806 square feet, more or less. Value: \$150,000.00

and that the Mayor be authorized to sign a Contract of Sale, with the respective property owner of the above parcel in the amount of the revised Just Compensation.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Reaffirmation Agreement between the City of El Paso and Estela C. Rosales, which reaffirms the housing rehabilitation loans to the City of the property located 9307 Corralitos Avenue.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between the City and County of El Paso, on behalf of the El Paso City-County Health and Environmental District, and the Town of Horizon City, Texas, for the provision of public health services by the Health District to residents of the Town of Horizon City. This Agreement is in the amount of \$18,110.00, and shall be effective from September 1, 2000 through August 31, 2001.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolutions dated the 5th of December, 2000 and the 6th of February, 2001, after due notice and hearing, ordered Javier Neira, record Owner of the hereinafter described property secure and maintain the Building demolish the building within thirty (30) days of adoption of the resolution of December 5, 2000, and clean the premises of all weeds, trash and debris within thirty (30) days of the adoption of the resolution of December 5, 2000; and the owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the structure and clean the premises of all weeds, trash and debris within thirty (30) days; and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department proceed to demolish the structure and clean the premises of all weeds, trash and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

The Southerly 50 feet of the North 100 feet of Tract 181, the South 97.15 feet of the West 175 Feet of Tract 181, the North 20.85 feet of the South 118 feet of Tract 181, Sunrise Acres, an addition to the City of El Paso, El Paso County, Texas according to the plat thereof, recorded in Volume 16, Page 19, Plat Records of El Paso County, Texas, more particularly described as 8624 Gateway South Blvd., rear AKA 8600 Neptune Street,

to be \$3,792.73, performed by the City of El Paso Street Department, \$676.92 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$4,469.65. The City Council finds that the work was completed on the 26th day of April, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FOUR THOUSAND FOUR HUNDRED SIXTY-NINE AND 65/XX DOLLARS (\$4,469.65) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application to the U.S. Department of Justice, for a federal grant from the Drug-Free Communities Support Program in the amount of \$100,000.00 to focus on the reduction of substance abuse among youth. Matching in-kind services required in the amount of \$100,000.00; of which the City's share is \$32,000.00: \$17,000 of which to be provided utilizing the services of currently employed Police Department employees, and \$15,000 of which to be provided utilizing existing programs and services of the Parks and Recreation Department. The remainder of the in-kind services will be provided by outside agencies as noted within the grant application.

NOTE: Resolution was revised to include the following language: "Matching in-kind services required in the amount of \$100,000.00; of which the City's share is \$32,000.00: \$17,000 of which to be provided utilizing the services of currently employed Police Department employees, and \$15,000 of which to be provided utilizing existing programs and services of the Parks and Recreation Department".

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement.

Hispanic Texas Restaurant Association

Calendar Park

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement.

El Paso Association for the Performing Arts

McKelligon Canyon

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000/2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER
NO. 510073, SUB-OBJECT 202214**

1. CONTRACTOR: Claudia Martinez, Folklorico Dance Instructor
DATES: June 12, 2001, thru August 31, 2001
RATE PER CL: \$10.30
MAXIMUM AMT: \$267.80
CONTRACT: 2000/2001-204

**MULTIPURPOSE CENTER
NO. 510032, SUB-OBJECT 202214**

2. CONTRACTOR: Mary Ruth Soto, Arts & Crafts Instructor Club Rec 2001
DATES: June 12, 2001, thru August 3, 2001
RATE PER CL: \$7.00
MAXIMUM AMT: \$770.00
CONTRACT: 2000/2001-205

**NORTHEAST RECREATION CENTER
NO. 510107, SUB-OBJECT 202214**

3. CONTRACTOR: Virgil Tharp, Sports Program Assistant
DATES: June 19, 2001, thru August 31, 2001
RATE PER CL: \$6.50
MAXIMUM AMT: \$390.00
CONTRACT: 2000/2001-206

**SAN JUAN RECREATION CENTER
NO. 510123, SUB-OBJECT 202214**

4. CONTRACTOR: Jessica Michelle Baker, Folklorico Modern Dance Instructor
DATES: June 11, 2001, thru August 30, 2001
RATE PER CL: \$11.90
MAXIMUM AMT: \$285.60
CONTRACT: 2000/2001-207
5. CONTRACTOR: Melissa M. Villalon, Cheerleading Instructor
DATES: June 12, 2001, thru August 28, 2001
RATE PER HR: \$7.90
MAXIMUM AMT: \$229.10
CONTRACT: 2000/2001-208

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS
NO. 010281, SUB-OBJECT 201011**

1. CONTRACTOR: Julian W. Bermudez, Swim Instructor I, Step 1

- DATES: May 16, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-300
2. CONTRACTOR: Maria L. Delgado, Swim Instructor I, Step 1
DATES: May 22, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-301
3. CONTRACTOR: German Abel Guzman, Swim Instructor I, Step 1
DATES: June 1, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-302
4. CONTRACTOR: Albert A. Heredia, Swim Instructor I, Step 1
DATES: May 31, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-303
5. CONTRACTOR: Maribel Llaguno, Swim Instructor I, Step 1
DATES: May 30, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-304

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. CONTRACTOR: Priscilla Espinoza, Lifeguard II, Step 2
DATES: May 18, 2001, thru September 30, 2001
RATES PER HR: \$6.60
CONTRACT NO: 2000/2001-305
2. CONTRACTOR: Hugo C. Martinez, Lifeguard I, Step 1
DATES: May 15, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-306
3. CONTRACTOR: Michael C. Mercado, Lifeguard I, Step 1
DATES: May 15, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-307
4. CONTRACTOR: Perla Nuzzo, Lifeguard I, Step 1
DATES: May 15, 2001, thru September 30, 2001

RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-308

5. CONTRACTOR: Natalie G. Schaffino, Lifeguard I, Step 1
DATES: May 23, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-309

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Personal Services Contracts between the **CITY OF EL PASO** and the following Independent Contractors for the El Paso Public Library's 2001 Summer Reading Programs:

1. Bob Collins, Freckles the Clown
2. Amada Delgado, Party Animals.
3. Monica Ortiz, Face Painting
4. Juan Contreras, Creative Workshop for Teens
5. Lewis Contreras, Virtual Reality
6. Wally Chase, Magic Tricks
7. Chris Gonzales, Patches and Company
8. Stephanie Solis, Ysleta High School Tribal Rhythm

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***RESOLUTION**

WHEREAS, on June 11, 2001, the El Paso International Airport reported that the ramp directly south of Southwest Airlines Company's Operations Office (6 feet away) is in dire need of emergency repairs; and

WHEREAS, based on on-site inspection provided by Thermodyn Contractors, Inc., the ramp is exhibiting hazardous characteristics for aircraft traffic passage and is therefore considered a hazardous condition; and

WHEREAS, the City of El Paso has been notified that it must have emergency repairs to the ramp directly south of Southwest Airlines Company's Operations Office that are necessary; and

WHEREAS, the El Paso City Council finds that it is necessary to conduct emergency repairs to the ramp to preserve or protect the public property and the health or safety of the residents of the City of El Paso, and to remain in compliance with The Federal Aviation Administration Regulations and Guidelines; and

WHEREAS, procurements necessary to protect the public health or safety of the City's residents are exempt from the competitive bidding requirements of Chapter 252 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Purchasing is authorized to issue Purchase Orders in an amount not to exceed \$45,000.00 to Thermodyn Contractors, Inc. for purposes of emergency repairs to the ramp directly south of Southwest Airlines Company's Operations Offices.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That there is good cause to believe that there has been a violation of the prevailing wage rates under the Central Fire Station - Apparatus Room Floor contract between the City of El Paso and Quality General Contractors, Inc. and that the Director of Purchasing be authorized to withhold payment to the contractor as required under Chapter 2258 of the Texas Government Code.

Representative Cobos explained that the City does have a prevailing wage rate in place and it is the responsibility of Council Members to set an example and withhold payment until the matter is rectified.

Representative Medina stated that he would like the subcontractors and contractors to know that City staff would be looking at the contracts very carefully and noting those individuals not abiding by the laws.

Mr. Byron Johnson, Director of Purchasing, explained that the Purchasing Department looks at 100% of the payrolls and have found issues on past contracts such as the payroll and wages not matching. At this time Mr. Johnson passed out information to the Council Members regarding other contracts where an error has been found and corrected.

Mayor Raymond Caballero explained that the City of El Paso sets the wages for the projects and they require certain contracts to do certain things. He stated that the Purchasing Department monitors the contracts and that Mr. Johnson would continue to monitor this diligently.

Motion made by Representative Cobos, seconded by Representative Medina and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with MANDO'S PRODUCE to lend them One (1) 4 Cubic Yard Dumpster in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

Representative Sumrall asked for a cost analysis report.

Mr. Bill Chapman, Chief Financial Officer, explained that a Memorandum was distributed to Council Members and explained that the City is subsidizing the office recycling program with about \$600,000.00 over the life of a liner. It is not cost effective but a policy decision of Council should be made if Council desires to continue this. Ms. Enriquez is looking into other ways to lower the operating subsidy.

Representative Sumrall stated that the cost is significant and added that private haulers within the City could do this program. She suggested a Legislative Review Committee meeting for Solid Waste for further discussion.

Representative Cook asked Ms. Emma Enriquez, Director of Solid Waste, to provide a full presentation regarding the full benefits and cost of the recycling program. He recommended continuing the program.

Representative Sariñana agreed with his recommendation. Representative Sumrall also agreed with Representative Cook.

Mayor Raymond Caballero suggested that Council Members might want to discuss other issues and policies during the budget hearings such as incentives, tax abatements and recycling.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with SCOTT ADVERTISING to lend them Four(4) 8 Gallon Baskets in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with RAINBOW FOUNTAIN #3 D/B/A TORTAS RAINBOW to lend them one (1) 4 Cubic Yard Dumpster and One (1) 32 Gallon Container in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

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***RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 31st day of July, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1728 ½ Wyoming Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: The East ½ of Lot 13 and all of Lot 14, Block 54, Fairbanks Heights Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 61, Page 54, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, William E. & Alice S. Rodriguez are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 7th day of August, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1400-1406 Delta Dr., AKA 404 Nino Aguilera St., AKA 404 Tornillo St., in El Paso, Texas, which property is more particularly described as:

Lots: The West 80 feet of Lots 11 through 13, Block 63, Magoffin Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 19, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Maria Del Carmen Gonzalez, 1400-1406 Delta Dr., AKA 404 Nino Aguilera St., AKA 404 Tornillo St. is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

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- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 31st day of July, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 729 Paisano Dr., AKA 709-711 Paisano Dr., in El Paso, Texas, which property is more particularly described as:

Lots: 2 & 3, Block 146, Campbell's Addition, and addition to the City of El Paso, El Paso County, Texas, according to the City Block Map- in the Office of the County Clerk of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, The Estate of Elena Aguire C/O Terry W. Hammond, Attorney, 1420 Montana Avenue, El Paso, Texas 79902 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 7th day of August, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5025 Joe Herrera Dr., in El Paso, Texas, which property is more particularly described as:

Lots: The westerly 39.15 feet of Lot 22 and the easterly 33 feet of Lot 23, Block 15, Tobin Park Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 17, Page 7, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ernest S. Huey, 316 N. West 39th Street, Blue Spring, MO 64015, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

.....
*Motion made, seconded and carried that the following First Time Home Buyers applications be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved applications.

- | | |
|-----------------------------|-------------------|
| A. 01-06-FTHB/HL-0482 | Loan: \$20,000.00 |
| Interest 0% | Term: 357 months |
| 5509 Marie Tobin (24) | |
| | |
| B. 01-06-FTHB/HL-0480 | Loan: \$20,000.00 |
| Interest 0% | Term: 357 months |
| 2730 Frankfort (30) | |
| | |
| C. 01-06-FTHB/HL-0481 | Loan: \$20,000.00 |
| Interest 0% | Term: 357 months |
| 12589 Robert David Dr. (28) | |
| | |
| D. 01-06-FTHB/HL-0483 | Loan: \$20,000.00 |
| Interest 0% | Term: 357 months |
| 7961 Heid (15) | |

.....
*Motion made, seconded and unanimously carried that the street improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Sun Ridge Unit 8

Street Improvements:

Sun Fire Boulevard - from the northerly limits of Sun Ridge Unit 7 to Zaragoza Road
Sun Country Drive - from Sun Fire Boulevard to the north limits of subdivision
Sun Quest Street - from the northerly limits of Sun Ridge Unit 7 to Setting Sun Drive
Setting Sun Drive - from Sun Fire Boulevard to Crystal Ridge Street
Crystal Ridge Street - from Sun Trail Drive to the south limits of the subdivision
Gilded Sun Drive - from Sun Spur Way to Crystal Ridge Street
Sun Trail Drive - from Sun Country Drive to Crystal Ridge Street
Sun Sweet Way - from Sun Setting Drive to the end of cul-de-sac
Sun Spur Way - from Sun Country Drive to Setting Sun Drive

.....
*Motion made, seconded and unanimously carried that the salary of Susannah Mississippi Byrd for the position of Executive Assistant (Economic Development) be set at \$42,500.
.....

*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Library Assistant, Library (1 position)
- B. Library Information Specialist I, Library (1 position)
- C. Photocopy Operator, Purchasing Dept. (1 position)
- D. Toll Collector, Street Dept. (1 position)

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Assistant Director of OMB, OMB (1 position)
- B. Department Research Assistant, Police Dept. (2 positions)
- C. Procurement Analyst, Purchasing Dept. (1 position)
- D. Vehicle Parts Specialist, Equipment Maintenance (1 position)
- E. Zoo Keeper, Zoo (2 positions)

*Motion made, seconded and unanimously carried to appoint Lorenzo H. Aguilar to the Community Center Screening Committee by Representative Medina.

*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Corner of Monroe and Stevens Cost: \$464.00

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for one additional year, from July 6, 2001 to July 5, 2002 pursuant to the provisions of Contract 2000-180 with Direct Action Uniforms, El Paso, Texas for Body Armor.

Option No.: ONE [OF ONE]

Department: El Paso Police Department
Account No.: 010060-203120
Funding Source: General Fund
Amount Of Award: \$139,650.00 Annual Estimate

*Motion made, seconded and unanimously carried that the Director of Purchasing amend the Motion dated May 1, 2001 for Bid No. 2001-108 for Uniforms for the Solid Waste Management Department as follows:

Vendor #1 Bazaar Uniforms & Men's Store, El Paso, Texas, to change adding Items 1C & 16B.
Vendor #3 Alfa Safety Products, El Paso, to change deleting Item 16B.

Amount of awards change to:

Vendor #1 Bazaar Uniforms & Men's Store from \$55,078.61 to \$57,159.61.
Vendor #3 Alfa Safety Products from \$26,738.30 to \$25,618.30.

The Total Award Amount changes from \$146,384.09 to \$147,326.00

Department: Solid Waste Management

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Funds Available: 010291-203120-203123
010292-203120-203123
010293-203120-203123
010294-203120
010295-203120
010296-203120-203123
010298-203120-203123
Funding Source: General fund
Award Amount:: \$57,159.61 and \$25,618.30 respectively

.....
*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend Contract No. 98-0366C between the City of El Paso and Robert E. Marble Trust, El Paso, Texas, for Lease Space for Foreign Trade Zone Office, from October 1, 2001 through September 30, 2004. This is the first option of two to extend contract for three (3) additional years.

Department: Economic Development
Funds Available: 010269
Funding Source: Foreign Trade Revenues
Total Award: \$28,141.80 (Estimated Annually)

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001 - 152 Sodium Bicarbonate

Awarded to: Kahn Chemical, Inc.
Stafford, Texas
Items: #1 (all)
Total award: \$10,562.50 (estimated annually)

Department: Street Department
Funds available: 150041-203203
Funding source: General Fund
Total award: \$10,562.50

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

No options were offered.

This is a Requirements Type Contract with an initial term of Twenty Four (24) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001 - 182 Fire Truck Tires & Roadside Service

Awarded to: Charlie Case Tire Co.
El Paso, Texas
Items: Group I, (all items), Group II, (all items)
Total award: \$50,000.00 (estimated annually)

Department: Fire Department
Funds available: 010320-202228-203118
Funding source: General Fund
Total award: \$50,000.00

The Fire and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices, for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2001- 190 Paper Sundries

Awarded to: Vendor (1) Regal Supply & Chemical
El Paso, Texas
Items: #1, #2, #6 & #12
Total award: \$10,000.00 (estimated annually)

Vendor (2) Baron Chemical Company
El Paso, Texas
Items: #3, #4, #5, #7 & #8
Total award: \$10,000.00 (estimated annually)

Department: PW / Building Maintenance
Funds available: 010325-010326-010328-203111
Funding source: General Fund
Total award: \$20,000.00

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #2 offers the City the option to extend the term of the contract at no more than 5% increase for two (2) additional years if the option is exercised within two (2) years from the date of the award. The Vendor also offers the City a prompt payment discount of 1% 10 days.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001 - 199 Automotive Parts Price List-Fuel System Components

Awarded to: Cantrell Auto Supply, Inc.
El Paso, Texas
Items: All items
Total award: \$20,000.00 (estimated annually)

Department: Equipment Maintenance
Funds available: 370510-203121
Funding source: Equipment Maintenance Internal Service Fund
Total award: \$20,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2001 - 200 Automotive Parts Price List-Electrical System Components

Awarded to: Cantrell Auto Supply, Inc
El Paso, Texas
Items: All items
Total award: \$20,000.00 (estimated annually)

Department: Equipment Maintenance
Funds available: 370510-203121
Funding source: Equipment Maintenance Internal Service Fund
Total award: \$20,000.00

Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-242 Swimming Pool Shade Structures

Award to: Shadeports, Inc.
San Antonio, Texas
Item(s): All
Amount: \$26,200.00

Department: Parks & Recreation
Funds Available: 102010-208009
Funding Source: Capital Acquisitions, Furniture & Fixtures
Total Award: \$26,200.00

Parks & Recreation Department and Purchasing recommend award as indicated as this vendor is the responsible and responsive bidder meeting specifications.

This is a one-time purchase.

In addition, Shadeports, Inc. offers a prompt payment discount of 2%-30 days, and the options to purchase 100% of the quantities, at the same unit price for a period of one (1) year from date of award.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2001-543 LIBRARY

The Library request a budget transfer to realign The Tang Grant funds to meet requirements for the current fiscal year.

Increase	\$ 1,224	to	150006/530109/201011	PT Temp
Decrease	\$ 80	from	150006/530109/201124	City Pension
Increase	\$ 544	to	150006/530109/201129	FICA City Match
Decrease	\$ 3,000	from	150006/530109/202215	Outside Cont
Decrease	\$ 1,979	from	150006/530109/203100	Office Supplies
Decrease	\$ 1,250	from	150006/530109/203105	Desktop Software
Decrease	\$ 420	from	150006/530109/204000	Phone
Decrease	\$ 950	from	150006/530109/204001	Long Distance

Decrease	\$ 199	from	150006/530109/204003	Postage
Decrease	\$ 4,149	from	150006/530109/204201	Travel Expense
Increase	\$ 50	to	150006/530109/204203	Mileage
Increase	\$ 1,000	to	150006/530109/204412	Sem/Cont Ed
Increase	\$ 407	to	150006/530109/204415	Indirect Costs
Decrease	\$ 4,621	from	150006/530109/208010	Data Process
Decrease	\$ 3,000	from	150006/530109/208041	Library Periodicals
Increase	\$16,423	to	150006/530109/106001	State Grant

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2001-591 PARKS AND RECREATION

This establishes the budget for a grant received from Paso Del Norte Health Foundation. The action for Youth Initiative covers the period from 6/1/2001-5/31/2002.

Increase	\$5,005	to	150025/510201/106002	Local Grant Proceeds
Increase	\$ 50	to	150025/510201/202116	Promotional Serv
Increase	\$ 315	to	150025/510201/203100	Office Supplies
Increase	\$ 65	to	150025/510201/203104	Minor Comp Equip
Increase	\$ 120	to	150025/510201/203112	Clinical Med Supplies
Increase	\$1,300	to	150025/510201/203115	Food & Beverage
Increase	\$1,000	to	150025/510201/203116	Recreational Supplies
Increase	\$ 200	to	150025/510201/203120	Uniforms & Apparel
Increase	\$ 200	to	150025/510201/204203	Mileage Allowances
Increase	\$1,300	to	150025/510201/204422	Field Trips
Increase	\$ 455	to	150025/510201/204415	Indirect Costs

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2001-600 COMMUNITY DEVELOPMENT

This budget transfer adds funds to the acquisition phase of the Carpenter Addition Street and Drainage Project, a 26th Year (2000-2001) project, to enable the purchase of a ponding area of approximately one acre in size.

Decrease	\$40,100	from	150047/7126CD0002/208027	Construction
Increase	\$40,100	to	150069/7126CD0011/208034	Public Access

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2001-601 CITY CLERK

To cover expenses for Run-off election on May 26th.

Increase	\$89,800	to	010010/202203	Elections Contracts
Decrease	\$89,800	from	010273/204405	Contingency

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 *Motion made, seconded and unanimously carried to approve the request of El Paso Association for Performing Arts to hold a 5k Run/Walk on July 4, 2001 from 7:30 a.m. to 8:30 a.m. Route: Leave McKelligon Canyon Amphitheater parking lot, travel east .8 miles, turn around, head west to back of Canyon park, circle around and come back to amphitheater. Approximately 250 persons will participate and 100 spectators are anticipated. This request includes permission to use amplification (small hand/portable PA system). Permit No. 01-065

*Motion made, seconded and unanimously carried to approve the request of El Paso Area Chapter of the American Red Cross to hold a triathlon on June 30, 2001 from 7:00 a.m. to 10:30 a.m. Route: Westside Dr. from Tennis West to New Mexico state line, Artcraft from Westside Dr. to New Mexico state line. Approximately 75 persons will take part and 75 spectators are anticipated. This request includes permission to use amplification (1 amplifier). Permit No. 01-067

*Motion made, seconded and unanimously carried to approve the request of Sacred Heart Church to hold a procession on June 22, 2001 from 6:00 p.m. to 7:30 p.m. Route: Oregon, Fr. Rahm, Ochoa, Seventh, Campbell, Eighth, Oregon. Approximately 125 persons and 2 automobiles will take part. This request includes permission to use amplification (1 microphone, speaker and amplifier). Permit No. 01-072

*Motion made, seconded and unanimously carried to approve the request of Sacred Heart Church to block off S. Oregon between Fr. Rahm and Fourth on June 22, 2001 from 6:00 p.m. to 11:59 p.m. and on June 23, 2001 from 10:00 a.m. to 11:00 p.m. Approximately 60 persons will take part and 50 spectators are anticipated. Barricades must be manned according to State's "Manual of Uniform Traffic Control Devices". Permit No. 01-071

*Motion made, seconded and unanimously carried to approve the request of American Cancer Society to hold a Youth Rally in support of a smoke free Ordinance on June 26, 2001 from 9:00 a.m to 1:00 p.m. on the Durango Street sidewalk in front of City Hall. Permit No. 01-073

ORDINANCE 14871

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES) OF THE EL PASO MUNICIPAL CODE, BY AMENDING CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES) BY ESTABLISHING REQUIREMENTS AND FEES FOR THE INSTALLATION OF TEMPORARY STREET DISPLAYS WITHIN PORTIONS OF PUBLIC RIGHTS-OF-WAY, THE PENALTY BEING AS PROVIDED IN SECTION 15.08.120.K OF THE CODE.**

Ms. Pat Adaauto, Planning Director, explained that the proposed Ordinance is an amendment to Title 15 - regarding Special Privilege Licensing - which adds into the Code a provision to permit temporary street displays on various streets in the City. She stated that this Ordinance would identify the kinds of temporary street displays, such as educational, scholastic or artistic events, promoting community or public interests activities, identifying civic routes, trails and roadways. The Ordinance provides for different location standards and spacing requirements, fees for temporary street display. The City would purchase brackets and charge a rental fee of \$30.00 for single hung and \$50.00 for double hung displays. In addition, the application would pay for the cost of labor for the City's installation, inspection, and removal of temporary street displays. The Ordinance provides that the street displays be hung on utility facilities, with written approval from the utility. She stated that these requirements are in addition to the normal standard requirements of a license. She stated that the Planning Department has worked very hard with the Office of the City Attorney, the Sun Bowl Association, namely Ms. Karen Paul, and others to develop a model Ordinance locally.

Representative Sariñana questioned which City department would handle mounting the brackets and whether the City would be purchasing the brackets.

Ms. Adaauto stated that the application process would begin in the Planning Department, but the installation, inspection and removal would be through Street and Building Services Departments. She stated that the City would purchase the brackets and recover the costs from the rental.

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Ms. Monica D. Cunningham, Chief Administrative Officer, stated that the City has brackets from previous displays and that the City can do this within the current budget.

Representative Sariñana asked that the brackets be purchased locally.

Motion duly made by Representative Sariñana, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14872

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1-K-2, BLOCK 80, SECTION 39, TSP 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS (10140 MONTANA AVENUE) AS FOLLOWS: PARCEL 1, FROM C-1/SC (COMMERCIAL/SPECIAL CONDITION) TO C-4/SC (COMMERCIAL/SPECIAL CONDITION); AS FOLLOWS: PARCEL 2, FROM C-1/SC (COMMERCIAL/SPECIAL CONDITION) TO C-3/SC (COMMERCIAL/SPECIAL CONDITION), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adaauto, Planning Director, provided slides and an explanation of the special conditions for Council Members. She stated that the DCC (Department Coordinating Committee) and CPC (City Plan Commission) have unanimously recommended approval and the Department has not received letters either in opposition or in favor.

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

ORDINANCE 14873

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 2B AND PORTIONS OF TRACT 2D, BLOCK 9, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS (364 PENDALE ROAD) AS FOLLOWS: PARCEL 1, FROM R-F (RANCH-FARM) TO R-3 (RESIDENTIAL); PARCEL 2, FROM R-F (RANCH-FARM) TO R-3 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Escobar questioned whether there was opposition.

Ms. Adatao stated yes and explained that Section 211.006(d) of the local government code would be invoked. The Department has received one letter of opposition from the property owner north of the site. She displayed slides of the property and explained that the rezoning of two parcels is necessary in order to conform with zoning requirements. She then explained the requirement for Ranch/Farm zoning.

Representative Sariñana pointed out that under the Ranch/Farm zoning the taxes collected are very minimal; however, once the rezoning has taken effect the property values would increase.

Ms. Adatao noted that the DCC and CPC recommended in favor.

Representative Power asked about the letter of opposition.

Ms. Adatao explained that the letter of opposition stated that the writer wished to maintain the area as rural, Ranch/Farm zoning.

Mayor Raymond Caballero asked what would happen to the dwelling if the zoning changed.

Ms. Adatao stated that the dwelling has legal, non-conforming status due to the dwelling already being in place prior to the City annexation. However; the residents wish to rezone in order to sell the property without the non-confirming dwelling.

Representative Sumrall asked when this area was annexed by the City.

Ms. Adatao explained that the area was annexed in the late 70's to early 80's.

Representative Escobar asked if the individual in opposition was present and whether anyone wished to make any comments.

Mr. Carlos Hernandez, representing the owner, explained that the gentleman is opposed to the rezoning due to increased traffic.

Representative Rodriguez questioned the reasoning for Parcel 2.

Ms. Adatao explained that Parcel 2 is also owned by the applicant and the reasoning is to ensure all property is zoned R-3 in order to conform.

Mayor Caballero asked whether the dwelling was located on both properties.

Mr. Hernandez explained that the property owner would provide a subdivision plat and would develop additional housing units at a later date.

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 14874

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 17, BLOCK E, COLLINGSWORTH, CITY OF EL PASO, EL PASO COUNTY, TEXAS (5990 ALAMEDA) FROM R-4 (RESIDENTIAL) TO C-3 (COMMERCIAL), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Aauto, Planning Director, provided slides and an in depth explanation for Council Members. This request is to rezone to C-3 to allow the property owner to use the property in conjunction with the automotive business. A proposed Site Plan was displayed and explained by Ms. Aauto. She explained that the DCC and CPC have unanimously recommended in favor of the rezoning to C-3 with a condition that the property be restricted from accessing Wyman Court so that no part of the commercial traffic enters the residential neighborhood. She stated there was a meeting between the applicant, residential owners, and Representative Medina. She understood that the residents requested an eight foot rock wall to provide a buffer to the abutting residents, and there was discussion to provide a four foot landscape strip.

Representative Sariñana asked that the rock wall not be built and use the existing wall and landscape in between.

Ms. Aauto explained that the neighborhood is requesting landscaping on Wyman; however, the applicant is agreeable to the eight foot wall and/or landscaping. She explained that City staff is requesting that the eight foot wall not be built, that the rock wall be located on the common property line, between the commercial property and the residents and if any landscaping is built, it be built diagonally on the corner.

Representative Sumrall referred to a specific slide and questioned the set back.

Ms. Aauto explained that what Representative Sumrall was referring to was an adjoining commercial building and explained that commercial zones do not require a setback unless they abut residential zones.

Representative Medina stated that he had met with Mr. Martinez and the Holguins and stated that Mr. Martinez felt that the property is being used as a "junk yard". Mr. Martinez has also complained about the chain link fence making noise and if a wall is to be built he asked that the wall be covered with some landscaping.

Ms. Aauto stated that she had received four letters in opposition; however, Section 211.006(d) of the local government code would not be invoked.

Mr. Sebastian Martinez, 5904 Wyman Court, provided packets of information for Council Members to peruse and discussed these packets.

Mayor Raymond Caballero explained that the back side of the building is on the agenda today and asked Mr. Martinez what his concern was regarding the back side of the building.

Mr. Martinez explained his concerns with the building.

Ms. Veronica Rojo, neighbor to the rear of Mr. Holguin's property, explained her concerns regarding Mr. Holguin's property.

Mayor Caballero asked Ms. Rojo if she would be satisfied with a fence and no salvage.

Ms. Rojo stated that she would be satisfied as long as the Holguins build the rock wall fence because the chain link fence is an eyesore.

Mr. Martinez stated that he would be agreeable to this proposal as well.

Mayor Caballero reiterated the proposed conditions to the rezoning. Mr. Pablo Compa, 5905 Wyman, stated that he was concerned regarding oil being spilled on the property. Representative Escobar questioned whether the property owner is illegally dumping oil.

Mr. Williams responded that the Building Services Department has filed charges against the property owner regarding "uses not permitted".

Representative Medina stated that with the approval of the Ordinance many problems would be alleviated. He asked Mr. Holguin to ensure that the rock wall not be made of masonry.

Mr. Martinez made comments regarding maintaining the landscaping.

Representative Sumrall asked City staff to look into the legality regarding the parallel parking of the cars.

Motion duly made by Representative Medina, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Ms. Adauro reiterated that the CPC recommended that the Ordinance restrict access to Wyman Court. She asked that Council Members amend the Motion to include not only the eight foot rock wall but also to include restricted access to Wyman Court.

Motion made by Representative Sariñana, seconded by Representative Cook to reconsider the above Ordinance.

Representative Medina moved to add language to the Ordinance to include the eight foot rock wall and to restrict access to Wyman Court, seconded by Representative Cook.

Motion duly made by Representative Medina, seconded by Representative Cook that the Ordinance be revised to include the new language. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Ms. Cindy Cellum, Assistant City Attorney, asked Representative Medina to clarify the Motion regarding the landscape. She stated that the rock wall would be on the property line; however, the landscaping would be within the property line.

Representative Medina stated that the rock wall would be moved approximately four feet inside the property of the Holguins. He explained that before the rock wall, in the public right-of-way, that would be the four foot landscaping.

Ms. Cellum explained that this would not be public right-of-way but the property owner's private property.

Mr. Pablo Compa added when the street was repaired, five feet was taken from the property owners to provide for a sidewalk.

Representative Sariñana questioned if this was because of a Community Development project.

Mr. Martinez yes, that was a Community Development project. He elaborated that during the repaving several property owners did lose several feet of their property for the installation of the sidewalk. He stated that what is at issue here is the rock wall being 8 feet and that west of that would be a 4 foot allowance by Mr. Holguin so that proper landscaping can be done and that the Rojos have agreed to the landscaping.

Motion duly made by Representative Medina to state that the wall be moved, build the 8 foot rock wall on the property and on City right-of-way, install the four feet of landscaping, restrict access to Wyman and to approve the C-3 zoning, seconded by Representative Cook that the Ordinance be adopted.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 14875

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 29, AND ALL OF LOTS 30, 31 AND 32, BLOCK 91, EAST EL PASO, CITY OF EL PASO, EL PASO COUNTY, TEXAS (3400 - 3402 MONTANA AVENUE) FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Aauto, Planning Director, provided slides and explained that this is a request to rezone the property to Special Development in order to permit the dwellings to become professional offices.

Representative Escobar asked whether there was any opposition.

Ms. Aauto stated she had received two letters in opposition; however, this does not invoke Section 211.006(d) of the local government code. Representative Escobar asked what the basis of the opposition was.

Ms. Adauto explained that the concern was regarding rezoning a specific corner to commercial and that the abutting residences would also be zoned commercial.

Ms. Adauto responded to Representative Escobar that the owners/representative is Enrique Escobar. No relation to Representative Escobar. She explained that the Ordinance is proposing a parking area in the rear and added that the DCC and CPC recommended in favor.

Motion duly made by Representative Cobos, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Sumrall was not present for the vote.

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ORDINANCE 14876

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO INCLUDE HERCULES AVENUE FROM COMET STREET TO A POINT 122 FEET EAST THEREOF, NORTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Cook, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representatives Sumrall and Representative Medina were not present for the vote.

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ORDINANCE 14877

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 (SCHEDULE I - ONE-WAY STREETS) TO INCLUDE ROSA AVENUE, WESTBOUND FROM LUNA STREET TO CEBADA STREET. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager, explained that this is a one way street and that there is not enough space for two way traffic. The property owners in the area were contacted and there was no opposition.

Mr. Charlie McNabb, City Attorney, reminded Council Members that although there might not be opposition, these items are Public Hearings and therefore there is a need to clarify that there is no public comment before voting.

Motion duly made by Representative Cobos, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None Abstain: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Sumrall abstained from voting because she was not present for the discussion. Representative Medina was not present for the vote.

*Motion made, seconded and unanimously carried to postpone nine (9) weeks the public hearing to determine if the property located at 8212 McElroy Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at (4460 Sunrise Avenue), in El Paso, Texas, which property is more particularly described as follows:

Lot: The Northerly 82 feet of the Easterly 130 feet of Tract 2, Block 6, Del Norte Acres, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 6, Page 1, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; and

WHEREAS, Jorge & Alejandra Loya record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on June 19th, 2001; and

WHEREAS, JORGE LOYA, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and

- c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. Secure the property with a 6' chain link fence within 10 days; and
 - b. That the Building be secured within (30) days; and
 - c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - d. That a public hearing be scheduled for September 4th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - f. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes
 - g. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
 3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
 4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owners lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
 7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owners any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, presented slides and read from a prepared statement.

Representative Sumrall noted that in the slides several automated trash cans provided by the Solid Waste Department were laying about and asked that the Building Services pick them up.

Representative Cook noted that in January, February and April the tenants were denied water and utility services. He asked whether the property was currently vacant.

Mr. Maguire explained that the utilities services were cut off due to non-payment by the owner.

Mr. Jorge Loya, property owner, stated that he had not received any notification of this hearing; however, he did receive a "notification card" on Friday the 15th.

Representative Cook commented on emails written by Mr. William V. Stern, Building Services employee, regarding water service for the tenants in January.

Representative Cobos questioned whether taxes were owed on the property.

Mr. Loya stated no. He explained that he had made a very bad business investment and added that he would be moving into two of the apartments and rent the other two apartments.

Representative Escobar asked whether the property, including the foundation and roof, were structurally sound.

Mr. Maguire remarked that the building is structurally sound. He explained that the Department is asking that the building be secured, but if the owner wants to move in, the Department would ask that the building be made fit for habitation before moving in and obtain the proper permits and obtain a Certificate of Occupancy. He pointed out that the property is commercial and that Mr. Loya would be required to hire a bonded and licensed contractor to make the necessary repairs.

Representative Escobar asked Mr. Loya if he would be able to do what was asked of him. Representative Power reiterated comments made by Mr. Maguire.

Mr. Loya explained that he would not be able to do so at this time.

Representative Power stated that the City has the obligation to its citizens to provide a healthy habitation. He explained to Mr. Loya that he could either fix the property or allow the City to demolish the building.

Mr. Loya stated that he did not have the money at this time.

Representative Rodriguez explained that Council Members have asked the property owner to secure and clean up the property and at a later date the property owner could repair one apartment at a time.

Mr. Maguire stated that Mr. Loya had received a certified Return Receipt Requested letter and that the signature on the green belonged to Mr. Loya's son.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to accept the Department's recommendation and approve the above Resolution.

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*Motion made, seconded and unanimously carried to postpone nine (9) weeks the public hearing to determine if the property located at 8873 Harding Way, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.
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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso agrees to be the fiscal agent for the grant to El Paso County Local Emergency Planning Committee (L.E.P.C.), from Texas Department of Health (T.D.H.). The City will provide a maximum of Six Thousand dollars (\$6000.00) to the L.E.P.C. through the El Paso City/County Office of Emergency Management for the purchase of One Hundred Twenty-Five (125) First Alert WX-67 Weather Alert Radios. The L.E.P.C. will reimburse the City of El Paso once the grant expenses are disbursed by the T.D.H. grant. The grant period is June 1, 2001 to August 31, 2001.

Chief Ray Apodaca, representing the Fire Department as the Emergency Management Coordinator for the Fire Department and the Local Emergency Planning Committee Chairman, explained duties of the local Emergency Management Planning Committees. He explained that last year donations were made to the Office of the Emergency Management which enhanced the City's Emergency Alert System with the ability to warn the public regarding major emergencies and disasters. He stated that 150 radios were received last year and distributed to all schools in El Paso County. He stated that he had applied for a grant through the Texas Department of Health which allowed for an additional 125 NOA Weather Alert Radios which he would like to distribute to daycare and other high risk facilities. Unfortunately, the Local Emergency Planning Committee does not have the \$6,000.00 to disperse and receive the reimbursement grant through the Texas Department of Health; therefore, he is asking that the City be the fiscal agent to allow for the purchase of the radios, receive the money from the Texas Department of Health and reimburse the City of El Paso.

Representative Escobar asked how long the process would take place before the City gets the radios.

Chief Apodaca stated that the performance period for the grant is June 1st through August 31.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.
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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Revised Agreement for Mutual Aid, Fire Protection and Emergency Response between the City of El Paso Fire Department and the Secretary of the Army on behalf of the Fort Bliss Fire Department, acting according to the authority of Title 42, Section 1856a, United States Code, to secure for each the benefits of mutual aid in fire prevention; the protection of life and property from fire; emergency response to hazardous material incidents to include the effects of weapons of mass destruction, and training.

Chief Ray Apodaca, Emergency Management Coordinator, explained that the Fire Department and Ft. Bliss have had a long standing agreement to provide mutual aid for fire protection, training, and fire response. He stated that recently both Departments conducted exercises under the terrorism program and it was noted that there was a Mutual Agreement between the City of El Paso and Ft. Bliss to respond to issues of hazardous material and terrorism incidents involving weapons of mass destruction. Therefore; the Fire Department is asking that the City and Ft. Bliss expand the Mutual Aid Agreement to include mutual aid for hazardous material and terrorism response.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to approve the above Resolution.

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Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance granting a Special Privilege to Cristina Magaña to permit temporary sidewalk vending within a portion of public right-of-way located at 503 S. Stanton Street from July 4, 2001 through December 31, 2001. (Total Fee: \$150.00, SP-01011)
- B. An Ordinance permitting Candlelighters of El Paso to use Marty Robbins Ball Fields 1, 2, 3, and 4 from 8:00 AM until 10:00 PM on July 13, 14, & 15, 2001 for a softball tournament. Fee: \$500.00

PUBLIC HEARING WILL BE HELD ON JULY 3, 2001 FOR ITEMS A - B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **Ron Brown Architects**, for a project known as **"Fabric Canopy for Cohen Stadium"** for

***RESOLUTION**

A RESOLUTION APPOINTING THE MAYOR, RAYMOND C. CABALLERO; COUNCIL REPRESENTATIVES LARRY MEDINA, LUIS SARIÑANA, AND JAN SUMRALL AS MEMBERS OF THE TRANSPORTATION POLICY BOARD FROM THE CITY OF EL PASO, TEXAS, FOR THE METROPOLITAN PLANNING ORGANIZATION, FOR THE EL PASO URBAN TRANSPORTATION STUDY AREA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby appointed to the Transportation Policy Board for the Metropolitan Planning Organization for the El Paso Urban Transportation Study area. Also appointed are the following members of the El Paso City Council: Larry Medina, Luis Sariñana, and Jan Sumrall.

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*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Personnel Technician II (one position)

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*Motion made, seconded and unanimously carried to appoint Joanne Cannon to the Community Center Screening Committee by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to appoint Joan Cherno to the Community Center Screening Committee by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to appoint Dr. Karen Gold to the Community Center Screening Committee by Representative Sumrall.

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*Motion made, seconded and unanimously carried to appoint Mario Saenz to the Community Center Screening Committee by Representative Dan Power.

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*Motion made, seconded and unanimously carried to appoint Rosa Dwyer to the Community Center Screening Committee by Representative Escobar.

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*Motion made, seconded and unanimously carried to appoint Frank B. Apodaca to the Community Center Screening Committee by Representative Cobos.

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*Motion made, seconded and unanimously carried to appoint Yolanda Del Val to the Community Center Screening Committee by Representative John Cook.

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*Motion made, seconded and unanimously carried to appoint Rebecca J. Rhodes to the Art Museum Advisory Board by Representative Rose Rodriguez.

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No action was taken regarding the presentation by the El Paso Chamber of Commerce to update the City Council on the El Paso Promotional Video.

Mr. Tom Thomas, El Paso Chamber of Commerce, gave Council Members an update as to the progress of the Quality of Life film which was talked about several weeks ago. He stated that "SWG&M Advertising Agency" produced the film, Bob Wingo's company. He explained the reasoning why this agency was selected. He noted that Sierra Medical Center is the largest private contributor as the Medical Center would be utilizing the video to recruit doctors, nurses, etc. He stated that the conclusion date of August 31st is on schedule.

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Mayor Raymond Caballero asked if the agency was local.
Mr. Thomas replied yes.

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Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to move to the forefront:

Discussion and action on the participation of the El Paso Police Department on the TIPS (Targeting Intoxicated Persons) Program by Mayor Pro Tempore Larry M. Medina.

Ms. Chita Guevarra, Board President for the El Paso Chapter of Mothers Against Drunk Driving, stated that the Chapter is in support of the El Paso Police Department's participation in the TIPS (Targeting Intoxicated Persons) Program. She gave Council Members statistics regarding DWI's arrests and fatalities for the year 2000. She asked that Council Members take an interest in the lives of humanity, support law enforcement agencies, citizens who support the law enforcement agencies and the initiative to save lives.

Mr. Arturo Huerta, Mothers Against Drunk Driving, explained to Council Members how he spent his Father's Day. He stated that because of a drunk driver, his oldest daughter was killed in a crash in 1994 and he spent the morning visiting her grave. An hour later, he visited the grave of his youngest daughter who was killed by a drunk driver in 1997. He spoke about his rights being violated, the rights of drinkers and smokers and asked Council Members to enforce the Ordinance already in place. He asked Council Members to consider any measure to prevent DWI or domestic violence and added that he supports, wholeheartedly, the efforts of the Police Department.

Mayor Raymond Caballero explained that this discussion would be taken up at a Legislative Review Committee meeting. He stated that Council Members are interested in looking at aspects of this issue at the Legislative Review Committee meeting.

Representative Cook asked that the Police Department work more closely with the Sheriff's Department and the TABC and reiterated having Legislative Review Committee meeting discussions. He referred to a newspaper article regarding the two Sandoval brothers who had died in a car crash due to an intoxicated driver. He explained that an Ordinance already exists that the Police Department can enforce it and due to publicity there is always an opportunity to criticize the abuse of power issues. He noted that some recommendations came from the Legislative Review Committee meeting such as the use of more breathalyzers. He sympathized with the Sandoval family regarding the deaths of their children. Representative Cook moved to continue the TIPS program and refer the item to the Legislative Review Committee. Representative Sariñana seconded.

Representative Medina stated that the law is clear that bar owners are responsible for customers regarding the customers not bothering other customers or leaving the establishment drunk. He said that an education program, sponsored by the State, County, municipal governments and business organizations, should be initiated. He stated that the public does not trust the police officers using just their discretion and that the City needs to provide tools to the officers such as inexpensive, mobile breathalyzers. He added that the operators of these breathalyzers should be certified. He agreed with Representative Cook regarding sending the item to a Legislative Review Committee. Representative Medina explained that he is not against officers using their legal right to go into the bars, clubs, restaurants; however, he is against police officers abusing their badge, power, influence, etc.

Representative Sumrall remarked that Council Members were taken by surprise regarding the Police Department's involvement in the TIPS program and added someone from the Police Chief's office should have explained the details of the operation to Council Members. She asked that the officers be well trained regarding harassing restaurant/bar patrons. She stated that the City cannot tolerate any more drunk driving

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deaths or inattentive drivers. She is in favor of sending the item to Legislative Review; however, she would like to see parameters established to inform the restaurant owners and asked that the officers not hassle the patrons.

Representative Power asked Police Chief Carlos Leon to explain what the enforcement policies are and stated that there is a misunderstanding as to how the police officers enforce the Ordinance.

Mayor Caballero clarified that the purpose of the Legislative Review is to go into detail and added that representatives from MADD, TABC, Police and the restaurants would be welcomed to add comments and provide balance.

Representative Escobar explained that the officer's discretion would play into this. He stated that breathalyzers are expensive and asked if an individual refused to blow into the breathalyzer at the site or the substation, the individual does have that right; therefore, the decision would boil down to the officer's discretion. He stated that the officer can make an arrest for public intoxication but also questioned whether the officers would ticket the individual or release the individual to be taken home.

Police Chief Carlos Leon, stated that an individual could be turned over to a responsible adult and explained that it is not mandated that the individual be arrested.

Representative Escobar assured the public that the Legislative Review Committee meeting would be an open discussion and would be well posted. He agreed with Mayor Caballero that a balance needs to be established.

Mayor Caballero reiterated that the public is encouraged to attend the Legislative Review Committee meeting and thanked everyone for coming.

Representative Cook provided a sign up sheet for those interested in coming to the meeting and explained that the meeting would be scheduled within the next couple of weeks.

Ms. Marge Bartoletti, citizen, stated that the City has a huge problem and gave statistics regarding drunk driving in El Paso. She explained that the City is number 1 in pedestrian injuries/fatalities in the State of Texas.

Representative Cook amended his Motion to postpone the TIPS program for one week, pending advice from the Legal Department and then conduct the Legislative Review Committee meeting.

Representative Sariñana questioned if the City Attorney could advise Council Members in Executive Session.

Representative Cook moved to go to Executive Session. There was no second to this Motion.

Mr. Sito Negron, reporter for Stantonstreet.com, questioned the discussion going to Executive Session.

Mr. Charlie McNabb, City Attorney, explained an exception to the Open Meetings Act allows City Council to retire into Executive Session to be advised by their attorneys on matters which the attorneys believe their code of professional responsibility obligates them to give advice to the Council in closed session.

Mayor Caballero suggested that the item be taken into Executive Session at the close of the meeting.

Motion made Representative Cook, seconded by Representative Sariñana and unanimously carried to refer to the Legislative Review Committee the involvement of the El Paso Police Department on the TIPS (Targeting Intoxicated Persons) Program and to postpone the El Paso Police Department's participation as requested by Mayor Pro Tempore Larry M. Medina.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

1. Cunningham Lindsey, 01-COL-006 (551.071)
2. Discussion and action on the participation of the El Paso Police Department on the TIPS (Targeting Intoxicated Persons) Program by Mayor Pro Tempore Larry M. Medina.

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim be **SETTLED** as recommended by the City Attorney and that the Mayor be authorized to sign the Release in the claim entitled **CUNNINGHAM LINDSEY; Our File No. 01-COL-006**.

No action was taken on the following item: Discussion and action on the participation of the El Paso Police Department on the TIPS (Targeting Intoxicated Persons) Program by Mayor Pro Tempore Larry M. Medina.

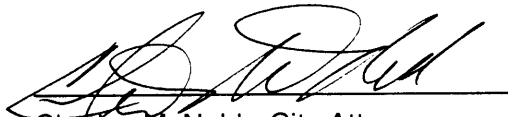
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to adjourn this meeting at 11:35 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk



Charles McNabb, City Attorney